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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 22 March 1999, at 10.30 a.m.

Temporary Chairman: Mr. SELEBI (South Africa)

Chairman: Mrs. ANDERSON (Ireland)

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The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the fifty-fifth session of the Commission on Human Rights.

2. He noted that the preceding session had taken place at a unique moment in the history of human rights, coinciding with the fiftieth anniversary of the Universal Declaration of Human Rights. The Commission had made considerable progress in the following areas at that session: restructuring of its agenda, in order to give absolute priority to the human rights of women and children; interactive dialogue on a particular theme (the focus in 1998 had been women's rights; in 1999 it would be the rights of the child); and the role played by the Bureau of the Commission on Human Rights during the inter-sessional period. The Bureau had appointed independent experts on the right to development, the right to education and extreme poverty. It had also appointed a new independent expert on structural adjustment policies and a special rapporteur on Afghanistan.

3. The United Nations Human Rights Award, commending people who distinguished themselves through their achievements in human rights, was of particular significance when presented to human rights defenders who had sacrificed their lives in the struggle for the common good of humanity. In 1998, a memorial plaque had been unveiled at United Nations Headquarters in New York in honour of those heroes and heroines.

4. Another positive development had been the recent decision by the Secretary-General to allocate additional resources to the Office of the High Commissioner for Human Rights. However, voluntary contributions to important funds such as those to combat racism and torture still needed to be increased.

5. The Bureau had discharged its mandate to make recommendations concerning ways of increasing the effectiveness of the Commission's mechanisms. Those recommendations, as contained in document E/CN.4/1999/104, were being submitted to the fifty-fifth session for consideration. It was important to reach agreement on that issue.

6. The Commission should not lose sight of all the other important issues before it, for example the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the commemoration of important anniversaries such as that of the Convention on the Rights of the Child, the Geneva Conventions and the Hague Convention. It would also have to consider how to implement the Declaration on Human Rights Defenders adopted by the General Assembly in December 1998.

7. Most of all, he urged the Commission to give some thought to the role it could play in preventing armed conflicts, which led to large-scale violations of the rights of civilians. Fact-finding and monitoring, which made it possible to gather facts in an impartial and objective manner and could often dispel propaganda for hatred, remained critical components of the Commission's work.

8. In conclusion, he said that his chairmanship of the Commission had reinforced his view that "people mattered". Their rights should not be violated and their sacred trust should not be betrayed.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

9. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) emphasized the Temporary Chairman's remark that the greatest threat to human rights was war. Modern armed conflicts had become so grave in their effects that they created a sense of powerlessness. Ninety per cent of victims were unarmed civilians, and the battlefield had come to encompass all of society. War destroyed the basic infrastructure which provided access to fundamental social and economic rights.

10. Courage was needed to face the greatest challenge, that of preventing the tragic violations committed in the course of such conflicts. There was no doubt that barbarous acts such as those reported from Sierra Leone were crimes under international law. That must not be forgotten, especially in 1999, as the international community was preparing to commemorate the adoption 100 years earlier of the Hague Convention, which had codified the laws of war, and of the Geneva Conventions guaranteeing protection to civilians in time of war 50 years earlier. The primary need was not to write new laws but to implement what was already on the ground. The 1998 decision to create an international criminal court represented a major breakthrough, indicating Governments' determination to end past cycles of impunity and to establish individual criminal responsibility.

11. The Commission's task was to see how its own mechanisms could best fulfil their mission in the areas of prevention, protection and reconstruction.

12. One of the first prevention initiatives was the monitoring of human rights violations in a given region. Abuses against the inhabitants of Kosovo, for example, had been monitored with precision by the Special Rapporteur of the Commission and then by the High Commissioner's first field offices. Second, objective investigations into the situation in a region could dispel the propaganda and rumours which fanned the flames of conflict. Third, human rights reports helped to identify the underlying causes of conflicts. Fourth, deploying human rights monitors could prevent violations from continuing. Fifth, the setting-up of national institutions to protect and strengthen human rights helped to break the cycle of violations.

13. The reports of the Special Rapporteurs played a crucial role as potential indicators of instability and future conflict, which made it possible to give early warning to the Executive Committees of the United Nations bodies. As the primary body dealing with human rights within the United Nations system, the Commission should have the capacity to respond effectively, without delay, to seek implementation of the Rapporteurs' recommendations. In that connection she was convinced of the need to strengthen the special procedures. Her Office had initiated a review which would be completed shortly. However, the greatest obstacles in the path of the Special Rapporteurs were the failures, and in some case, refusals, of

Governments to invite their visits, and secondly to act on their recommendations. The Commission must address those issues as a matter of urgency.

14. Noting that the year 1999 would mark the tenth anniversary of the adoption of the Convention on the Rights of the Child, she stressed the need for the draft optional protocol on child soldiers to be adopted without delay. The involvement of children in armed conflicts was not simply a violation of a child's rights, but affected the likelihood of a successful transition to peace. It was no coincidence that States in which children had become combatants were among the States where it was the most difficult to create an enduring peace.

15. She was convinced that international cooperation could help bring an end to gross and flagrant violations of human rights. The constructive regional cooperation taking place around the globe was encouraging. The Asia-Pacific Regional Workshop had demonstrated its worth as an annual forum for the exchange of information and experience in the area of human rights. Similarly, the forthcoming Ministerial Meeting of the Organization of African Unity devoted to human rights would be an important occasion for the advancement of human rights within that continent. The Commission was cooperating closely with the OAU in preparing that meeting. It had also established cooperation with the Organization for Security and Cooperation in Europe, the Organization of American States and other subregional institutions. She attached a great deal of importance to those regional activities, which provided opportunities to approach human rights issues in practical and constructive ways, on the basis of countries' daily experience. In addition, recognizing the importance of securing ratification of international human rights instruments, the Office had deepened its links with the Inter-Parliamentary Union.

16. One of the tasks before the Commission in 1999 was to consider ways to monitor violations of the Declaration on Human Rights Defenders, which the General Assembly had adopted at its latest session. Human rights defenders, who were civil society's delegates, lived a life of terrible fear. That had been brought home to her in a personal way at the Commission's preceding session, when representatives of small NGOs had pleaded with her to ensure their protection when they returned to their home countries. The freedom accorded to human rights defenders was an acid test of a society's practical commitment to human rights.

17. As the twentieth century was drawing to an end, it was important to recall the schism that had long existed between civil and political rights, on the one hand, and economic, social and cultural rights on the other. Happily, that legacy of the cold war had been overcome, and the Commission had established new thematic mandates focusing on issues regarded as crucial, such as extreme poverty and education. The Committee on Economic, Social and Cultural Rights, for its part, had stated that core rights could not be disregarded even when sanctions were imposed under Chapter VII of the Charter of the United Nations.

18. As the world approached the new century, it did so with the knowledge that enjoyment of all human rights, including the right to development, was the cornerstone of peace and security and the key to preventing future conflict and building a common future.

ELECTION OF OFFICERS (item 1 of the provisional agenda)

19. The TEMPORARY CHAIRMAN invited the Commission to turn to item 1 of its provisional agenda (Election of officers).

20. Mr. SKOGMO (Norway), speaking on behalf of the Western European and Others Group, nominated Mrs. Anderson (Ireland) for the office of Chairman.

21. Mr. JAKUBOWSKI (Poland), speaking on behalf of the Eastern European Group, Mr. PALIHAKKARA (Sri Lanka), speaking on behalf of the Asian Group, Mr. GALLEGOS CHIRIBOGA (Ecuador), speaking on behalf of the Latin American and Caribbean Group, and Mrs. DIALLO (Senegal), speaking on behalf of the African Group, supported the nomination.

22. Mrs. Anderson (Ireland) was elected Chairman by acclamation.

23. Mrs. Anderson (Ireland) took the Chair.

24. The CHAIRMAN invited nominations for the three offices of Vice-Chairman and for the office of Rapporteur.

25. Mr. PALIHAKKARA (Sri Lanka), speaking on behalf of all the regional groups, nominated Mr. Simkhada (Nepal), Mr. Baumanis (Latvia) and Mr. Padilla Menendez (Guatemala) for the offices of Vice-Chairman and Mr. Chatty (Tunisia) for the office of Rapporteur.

26. Mr. Simkhada (Nepal), Mr. Baumanis (Latvia) and Mr. Padilla Menendez (Guatemala) were elected Vice-Chairmen by acclamation and Mr. Chatty was elected Rapporteur by acclamation.

STATEMENT BY THE CHAIRMAN

27. The CHAIRMAN, after paying tribute to the outgoing Chairman on behalf of the community of human rights defenders, said that her election to chair the Commission was an honour to a country such as Ireland, which had not yet healed the scars of history and which had learned the long and hard way how much human rights mattered. She was also conscious that less than a handful of women had chaired the Commission in over 50 years of its history; it was time for that situation to change. She was especially proud to chair the Commission at a time when Mary Robinson, the most distinguished Irishwoman of her generation, held the post of High Commissioner for Human Rights.

28. The challenge facing the fifty-fifth session was to follow through with the commitments made at the preceding session, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights. Despite the media reports, which focused almost exclusively on difficult discussions of country situations, the Commission pursued quiet, incremental work which would eventually help change people's lives. The Commission's agenda was a

comprehensive one, embracing many of the fundamental issues confronting societies at the close of the twentieth century: development, racism, extreme poverty and the rights of women, children and indigenous people, which must be approached from the perspective of strengthening the protection and promotion of the full range of rights.

29. Concerning the conduct of the session, she said that, firstly, she would work for an orderly session like that of the previous year; abiding by time limits, maintaining quiet so that speakers could be heard and avoiding polemic were all essential to serious discussion. She would do everything in her power to help delegations reach agreed outcomes in sensitive areas. Finally, she hoped that, as they went about the business of the session, participants would be aware that the privilege of attending carried a heavy responsibility. Responsibility was the starting point; how it was exercised was the true test of participants' integrity and wisdom. Not to avoid the truth, even when it was uncomfortable, but not to employ it selectively; to be ready to state differences publicly, but not to underestimate the value of consensus; to listen to all viewpoints but to act in the way most likely to help those who needed it, should be the guidelines for the session. The sense of responsibility was also reflected in the language used: the language of genuine concern was not the language of insult. All societies were flawed and none had a basis either for complacency or a sense of moral superiority. Finally, responsibility should also lead to the improvement of the Commission's mechanisms. The issues were important enough to warrant serious reflection, but the need for reflection must not become a rationale for the indefinite postponement of action. The United Nations and the Commission on Human Rights were in the midst of testing times. She believed that every delegation at the session was sincerely concerned about human rights. Translating that concern into meaningful action across all agenda items would require openness, realism and courage. Because the outcome was so important, participants must demand those qualities of themselves.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1999/1, E/CN.4/1999/1/Add.1 and Corr.1)

30. The CHAIRMAN drew attention to the provisional agenda (E/CN.4/1999/1) prepared by the Secretary-General pursuant to rule 5 of the rules of procedure.

31. The agenda was adopted.

The meeting rose at 11.45 a.m.